



March 21, 2003

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## ENGROSSED HOUSE BILL No. 1102

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DIGEST OF HB 1102 (Updated March 20, 2003 9:55 AM - DI 106)

**Citations Affected:** IC 34-6; IC 34-54.

**Synopsis:** Enforcement of foreign judgments. Provides for the filing in an Indiana court of the judgment decree or order of a U.S. court, the court of another state, or another court to which Indiana extends full faith and credit.

**Effective:** July 1, 2003.

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### Koch, Kuzman

(SENATE SPONSORS — LONG, BRODEN)

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January 7, 2003, read first time and referred to Committee on Judiciary.  
February 6, 2003, amended, reported — Do Pass.  
February 10, 2003, read second time, ordered engrossed. Engrossed.  
February 11, 2003, read third time, passed. Yeas 94, nays 2.

SENATE ACTION

February 24, 2003, read first time and referred to Committee on Judiciary.  
March 20, 2003, amended, reported favorably — Do Pass.

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EH 1102—LS 6913/DI 105+



March 21, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1102

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A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 34-6-2-48.3 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2003]: **Sec. 48.3. "Foreign judgment", for purposes of**  
4 **IC 34-54-11, means a judgment decree or order of a court:**

5 (1) of the United States;

6 (2) of a state other than Indiana; or

7 (3) that is entitled to the full faith and credit of Indiana.

8 **The term does not include a foreign protection order.**

9 SECTION 2. IC 34-54-11 IS ADDED TO THE INDIANA CODE  
10 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2003]:

12 **Chapter 11. Enforcement of Foreign Judgments**

13 **Sec. 1. (a) A certified and exemplified copy of a foreign**  
14 **judgment may be filed in the office of the clerk of any court of**  
15 **record in a county in Indiana where the debtor resides or owns**  
16 **property, and is subject to IC 34-55-9-2.**

17 (b) The clerk of the court in which the copy is filed shall treat



the foreign judgment in the same manner as a judgment of an Indiana court.

(c) A foreign judgment filed under subsection (a) has the same effect and is subject to the same procedures and defenses as a judgment entered by an Indiana court.

Sec. 2. (a) A judgment creditor filing a foreign judgment under this chapter must file an affidavit with the clerk of the court in which the foreign judgment is filed at the time the foreign judgment is filed. The affidavit must set forth:

(1) the name and last known address of the judgment debtor; and

(2) the name and last known address of the judgment creditor.

(b) The judgment creditor must send notice of the filing of the foreign judgment in the same process prescribed under Indiana Trial Rule 4 through Indiana Trial Rule 4.17.

(c) The notice described in subsection (b) must contain:

(1) the name and address of the judgment creditor;

(2) the name and address of the judgment creditor's attorney, if any; and

(3) the nature and amount of the judgment creditor's claim under the foreign judgment.

(d) Execution or other process for the enforcement of a foreign judgment may not be issued earlier than twenty-one (21) days after the entry of the judgment in the judgment's original jurisdiction.

(e) Not later than twenty-one (21) days after the date notice is served to the judgment debtor by the judgment creditor or the judgment creditor's attorney, the judgment debtor may file a notice with the court in which the judgment has been filed asserting any defenses that would prohibit the judgment creditor from execution or another process for enforcement of the foreign judgment.

Sec. 3. (a) The filing fee for a foreign judgment is the same as the fee for filing a cause of action with the clerk of the court in which the foreign judgment is filed.

(b) All filing fees are due and payable at the time of filing.

Sec. 4. (a) If the judgment debtor shows the court with whose clerk the foreign judgment is filed:

(1) that:

(A) an appeal from the foreign judgment is pending;

(B) an appeal from the foreign judgment will be taken; or

(C) a stay of execution of the foreign judgment has been granted; and



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1           (2) that the judgment debtor has furnished the security, if any,  
2           for the judgment required under the jurisdiction in which the  
3           foreign judgment was rendered;  
4       the court shall stay enforcement of the foreign judgment until the  
5       appeal is concluded, the time for appeal expires, or the stay of  
6       execution expires or is vacated.

7       (b) If:

8           (1) the judgment debtor shows the court grounds upon which  
9           enforcement of a judgment of a court of Indiana would be  
10          stayed; and

11          (2) the judgment debtor gives the court security for the  
12          judgment debt;  
13       the court shall stay enforcement of the foreign judgment for the  
14       same period as would be appropriate to stay enforcement for a  
15       similar judgment by an Indiana court.

16       Sec. 5. This chapter does not impair a judgment creditor's right  
17       to bring an action to enforce a foreign judgment by other means.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1102, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 13, delete "by first class mail".

Page 2, line 14, after "foreign" delete "judgment," and insert **"judgment, in the same process prescribed under Indiana Trial Rule 4.1,"**.

Page 2, line 28, delete "mailed" and insert **"served"**.

and when so amended that said bill do pass.

(Reference is to HB 1102 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 12, nays 0.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred House Bill No. 1102, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 16, after "property" delete "." and insert ", **and is subject to IC 34-55-9-2.**".

Page 2, line 14, after "judgment" delete ",."

Page 2, line 15, delete "Rule 4.1, to the address of the judgment debtor set forth on" and insert "**Rule 4 through Indiana Trial Rule 4.17.**".

Page 2, delete lines 16 through 18.

and when so amended that said bill do pass.

(Reference is to HB 1102 as printed February 7, 2003.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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